

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Office Action, Claims 1-4, 10-12, 19, 21 and 27 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,587,447 (Wang), and Claims 21 and 27 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,659,569 (Padovani). It is gratefully acknowledged that Claims 14-18, 28, 29 and 31 have been allowed, and dependent Claims 5-9, 20 and 22-26 have been objected to as being dependent upon a rejected base claim, but will be allowed, if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claim 13 does not appear to have been rejected.

The Examiner objected to Claim 30. Accordingly, Claim 30 has been amended as set forth above to overcome this objection. Claim 27 has also been amended to correct a minor spelling error. Since Claim 30 now properly depends from allowed Claim 28, it too should be allowed.

The Examiner states that Wang, in Column 9, Lines 20-28, discloses “driving a random position selector to determine a random gating slot position” as recited in Claims 1 and 13. Wang discloses a process of implementing a signaling method wherein a particular bit from the power control bits is selected to be an indicator bit. Wang does not disclose how this bit is selected other than to say that, in the preferred embodiment, “the first power control bit in a frame is utilized to indicate traffic channel status of the current frame” (Column 9, Lines 1-3). Wang further states that the “position of the indicator could be anywhere within the power control bits in a frame.” (Column 9, Lines 4-7). Acknowledging that “the bit may be received in error,” Wang goes on to teach a method to allow the “receiver to check” the frame (Column 9,

Lines 17-19). Moreover, Wang teaches of using “two power control bits per frame” to enhance the reliability of bit transmission, the “second bit to be sent as a back-up bit to the first indicator bit.” (Column 9, Lines 62-66).

However, Wang does not teach driving a “random position selector to determine a random gating slot position” as recited in Claims 1 and 13, which incorporates a means to select bit position which places a bit in a location to minimize error. Accordingly, it is respectfully submitted that Wang does not anticipate Claims 1 and 13.

The Examiner states that Wang, in Column 4, Lines 30-42, Column 6, Lines 27-35, and Column 9 Lines 1-19, discloses Claim 19. Wang teaches “detecting, at a receiver end of the transmission system a status of a transmitted frame indicating one of two possible transmission modes including (a) when a gating-off of the traffic channel occurs” (Column 4, Lines 33-36).

Wang does not disclose a method of receiving gating information indicating the gating start time and gating rate from a base station. Moreover, Wang does not disclose transmission of a DPCCH slot signal to form a random pattern for a predetermined duration as disclosed in Claim 19. As such, it is respectfully submitted that Wang does not anticipate Claim 19.

With reference to Claims 21 and 27, the Examiner states that Wang discloses the gating position selector for determining a gating slot position. (Column 9, Lines 1-19; Column 6, Lines 9-35; and Column 5, Lines 29-40). Wang discloses a system and method of gating data in a mobile communication system. However, Wang does not teach a gating position selector for determining a gating slot position when there is no data to transmit on the traffic channel for a predetermined time period. Moreover, Wang does not disclose gating slot groups having a random gating slot position as is recited in Claim 21. Furthermore, Wang does not disclose a gating position selector that determines the gating slot position using variables such as a gating start time and a gating rate which is transmitted from a base station as recited in Claim 27. Thus,

it is respectfully submitted that Wang does not anticipate Claims 21 and 27.

Further regarding Claims 21 and 27, Padovani is directed to an early to mid 1990's CDMA system which gated the DPDCH only, and is well known in the art. Although Padovani discloses gating transmissions on the reverse DPDCH CDMA channel and further teaches that the gated on power control groups are pseudo-randomized in their position within the frame, Padovani does not disclose a transmission system that gates the DPCCH. Additionally, Padovani does not disclose a gating position selector for determining a gating slot position and for dividing the slots in each frame into a plurality of gating slot groups, each of the gating slot groups having a random gating slot position, as in Claim 21, and having the gating slot position, as in Claim 27. Moreover, Padovani does not disclose a gated transmission controller for controlling the DPCCH slot corresponding to the selected gating slot position as recited in Claim 21. Nor does Padovani disclose a gating slot position selector for determining a gating slot position when the mobile station receives gating information that includes gating start time and gating rate from a base station, as recited in Claim 27. Accordingly, it is respectfully submitted that Padovani does not anticipate Claims 21 and 27.

Claims 5-12, 20 and 22-24 are dependent claims; accordingly, it is believed that these dependent claims are also in condition for allowance for at least the reasons given above.

Regarding Korean Publication No. P1989-0001308, that was filed with the Information Disclosure Statement on April 25, 2001, the Examiner stated that this reference did not include an English language Abstract, or a concise explanation of its relevance in the English language. As such, the Examiner did not consider this reference and merely placed it in the file. To comply with the Examiner's request, an Information Disclosure Statement is being concurrently filed with this reference's U.S. counterpart—U.S. Patent No. 4,905,302, which was filed on June 3, 1987, so that the Examiner can consider this reference.

Independent Claims 1, 13, 19, 21, and 27 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 5-12, 20 and 22-24, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent Claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 5-12, 20 and 22-24 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-31, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516

PJF/VAG/MSM/al